

CLAUSES.

Mr. DEPUTY SPEAKER.—The Bill will now be read clause by clause. Clauses 2 and 3.

The question is :

“That clauses 2 and 3 stand part of the Bill.”

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

CLAUSE 1, TITLE AND PREAMBLE.

Mr. DEPUTY SPEAKER.—The question is :

“That Clause 1, the Title and the Preamble stand part of the Bill.”

The motion was adopted.

Clause 1, the Title and the Preamble were added to the Bill.

Motion to pass.

Sri R. M. PATIL.—Sir, I move

“That the Mercara Municipality (Performance of Functions by the Ex-President) Validation Bill, 1966, be passed.”

Mr. DEPUTY SPEAKER.—The question is :

“That the Mercara Municipality (Performance of Functions by the Ex-President) Validation Bill, 1966, be passed.”

The motion was adopted.

MOTOR VEHICLES (MYSORE AMENDMENT) BILL, 1966.

Motion to consider—(contd.)

Mr. DEPUTY SPEAKER.—The Motor Vehicles (Mysore Amendment) Bill, 1966, that was postponed for consideration will be taken up now. Sri Anna Rao.....

† Sri ANNARAO GANAMUKHI.—Sir, I raised an objection yesterday about a constitutional point regarding this Bill. Now, I find that since this Bill has been printed in the Gazette, there is no motion for leave to introduce the Bill before this House, and so no question about introduction will be put before this House. Therefore, the question of full discussion about the competence of this Assembly cannot

be discussed at this stage. I think this position is correct constitutionally and therefore what I want to say is that the Speaker should not permit the Government to print the Bill in the Gazette unless it is introduced in the House itself. Because, whatever constitutional objections can be raised under Rule 71 cannot be raised here on account of the fact that the Bill is printed in the Gazette, and therefore, no motion for leave to introduce is necessary before this House. This anomaly, I think, has to be set right at least in the future. So far as Madras and even the Lok Sabha are concerned, what they do is, they introduce the Bill and then it is sent for Gazette Notification. But here, what our House does, our Speaker does, is, the Bill is sent for Gazette Notification and then formal introduction takes place. And the question of putting this motion, leave to introduce, does not perhaps arise in this case. Therefore, I should like to request that in future at least—the life of this House will end shortly—let there be a practice that no Bill should be sent for Gazette Notification unless it is introduced in this House. Otherwise, this House is not competent to discuss or pass a Bill of a kind which it cannot pass; because of its incompetency this House will not have any opportunity whatsoever to discuss on the constitutionality of a certain Bill. I therefore request the Speaker to establish the practice of sending the Bills for Gazette notification after they are introduced in this House. I think this practice is obtaining even in the Lok Sabha and in many of the State Legislatures. This anomaly is happening in our State. That has to be rectified. That is my comment.

5.00 P. M.

MR. DEPUTY SPEAKER.—Under rule 64, some times the Government Bills are allowed to be published and then they are sought to be introduced.

SRI ANNARAO GANAMUKHI.—If you apply rule 71, you will have no opportunity whatsoever about the discussion of the Bill. That means, we are deprived of discussing the constitutionality of the Bill in the Assembly. At the consideration stage this question may be raised. But at the stage of introduction we cannot do anything. The gazette notification is there and therefore the Bill is simply introduced and the Speaker also cannot put the question to this Assembly. Therefore that problem of discussing about the constitutionality of the Bill does not arise. This should never be done in future.

Now, I will go into the merits of the Bill. We see amendment of section 63 is beyond the competence of our legislature because amendment of section 45 of Motor Vehicles Act of 1939 i.e., Central Act is the existing Act. Existing Act is defined under article 366 of the Constitution. If there is a provision in the existing Act which is contrary to or incompatible with the provisions of the State Act or if the provisions made in the State Act are repugnant to the provisions already obtainable in the existing Act, then to that extent according to article 254, it is

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void. So, I want a clarification from the Minister whether he can say 'notwithstanding anything contained in sub-section (1)'. Sub-section (1) is already there in the Central Act. Are you going to legislate anything notwithstanding anything contained in sub-section (1)? Are we competent to legislate like this? If you want to obey the Central Act, then we will be contravening the State Act and vice versa. So, if you want to legislate in contravention of the provision which has been made in the Central Act, I think, we are not empowered to do that. We will be passing an Act which is void in law.

Sir, our Legislature has got plenary powers. No Central Government can delegate any power to us nor can we delegate our powers to the Centre. In exercise of power conferred by the Constitution under Schedule 7, we enact legislation here. Therefore, we cannot undertake any legislation which is in contravention of the Central Legislation. You have admitted that the Central Government is going to amend the other provision—section 44 and 66 of the Motor Vehicles Act. Simultaneously you are also going to amend. If the Centre do not undertake any legislation, then, it may be all right to undertake a legislation to the extent of this State with the concurrence of the President. But, there is a provision in the existing Central Act of 1939.

[MR. SPEAKER in the Chair]

It means that whether the motor vehicle owners or the operators, should abide by the Central Act or the State Act, because it is a matter pertaining to inter-State permit. We are not operating only here in the State; the permits will have to be countersigned or the permit holders will have to go to other States. This operation relates to inter-State and I think we will be making a void provision. I do not say that we have no powers; we can exercise our powers but that will be void because in the presence of a provision already obtaining in the Central Act, if we go against the provisions of that Act and insert something new, I do not think it is permissible under the Constitution. I do not know how your advisers have advised you on this point. As it is a concurrent subject and there is already an existing law on this point, we cannot go against that. Therefore, I think it is unconstitutional.

MR. SPEAKER.—I am sorry and I must apologise to the House that I was absent for a short while. I had to suddenly leave the House for reasons beyond my control. I am referring to it because when I left for a short while the Bill was at the stage when I had perhaps used not a very happy language towards Sri G. Anna Rao—when he said that he was sorry I said sorrow is not the monopoly of anybody. Perhaps in view of the explanation that has been given to him with regard to the actual position and procedural matters, he is satisfied. It arises because there are small inconsistencies in the

British procedure where in the old days in the House of Commons when a Bill was sought to be introduced, there was not even a draft of the Bill. It was only a request merely mentioning the topic. The Minister would only say that he proposes to introduce a Bill on Motor Vehicles or Pharmaceuticals or something like that. It was so unprecise and then leave was sought and a dummy Bill was prepared and in the second reading the general principles of the Bill and all that were discussed. Then there is also the question of publishing. If a Bill has been ordered to be published by the Speaker, then automatically it stands introduced and it need not be again introduced. Forgetful of all that Sri Anna Rao was under the impression that certain thing had been done wrongly. Even on that, I am sorry there is divergence of opinion. I am not going to analyse what is part of the proceedings. That is why I passed on a copy of yesterday's proceedings to him and there was no reason to think it is wrong because it was not anticipated that I and Anna Rao.

Sri ANNARAO GANAMUKHI.—May I give an explanation? Yesterday what I said was where is constitutionality about this Bill and I heard the Minister and said that I will oppose the Bill on that ground. But, unfortunately something has taken place and I am not going into the merits.

Mr. SPEAKER.—It is just a psychological factor. This morning I wanted to book a trunk call and when I went to the phone that particular number missed my attention. Like that small psychological mistakes happen.

Sri K. LAKKAPPA.—In view of the constitutional conflict raised, I suggest that we invite the Advocate General to give his opinion.

(Laughter)

Mr. SPEAKER.—It is a very serious suggestion made. But, I am not conceding it.

(Laughter)

Sri G. V. GOWDA.—Sir, A....

Sri K. S. SURYANARAYANA RAO.—Sir, you were not present when Sri Anna Rao read out the proceedings and the rules of procedure on introduction.

Mr. SPEAKER.—That is why I said that so far as publication is concerned, it will be looked into.

Sri G. V. GOWDA.—The Motor Vehicles Act, 1939, is an Act of Parliament. This Bill seeks to bring amendments to sections 45 and 63. The Hon'ble member Sri Anna Rao went to the extent of suggesting that the amendments sought to be included are repugnant to the original sections. In fact constitutional provisions empower this House to bring an amendment to the Central Act that have adopted, provided they are in consonance with the intentions of the Parliament. Here, if we see sub-clause 2, amendment to clause 2, in my opinion, it is repugnant to

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the very clause 45. Clause 45 suggests that inter-State permits could be given by the regional transport authorities. If it is the intention of the State Government to empower the state transport authorities also to issue inter-State permits straightaway that amendment could have been brought about. Here it suggests that notwithstanding anything contained in section 45, the State Government may by notification in the Gazette direct, etc. That is the portion which I oppose most emphatically because the Central enactment empowers the regional transport authority to issue permits. Now the intention is that the State transport authority must issue inter-State permits. Therefore, the amendment ought to have been to empower the State authority to entertain applications for the issue of inter-State permits. It should not depend on the Government issuing directions. That means, it is repugnant to the Central legislation and constitutionally bad. Therefore, I can agree with Sri Anna Rao to this extent and not with its entirety. Of course, we can empower the transport authority by bringing in an amendment. But the State Government taking power to direct the State transport authority to entertain applications, is wrong. Therefore, I suggest that in order to know the total mileage that is given by other State Undertakings and to know how much mileage we should give, the transport authority should entertain the applications. It is desirable in the interest of all the States that the State Transport Authorities should issue inter-state permits. If reciprocal arrangements have been made between Governments, they should inform the State Transport Authorities about the Mileage they have agreed to, so that to that extent permit can be issued. There is no reason why Government should interfere and give a direction by means of publication in the Official Gazette asking the operators to make applications to State Transport Authority. We do not know what mileage the operators of other States are going to run in our State and vice versa. It is therefore desirable to entrust this work to the State Transport Authority. I therefore vehemently oppose the idea of the State Government giving a direction to the State Transport Authority to entertain applications. If it is retained as it is, I submit it will be repugnant to the constitutional provision because it is contradictory to the original section in the Motor Vehicles Act, 1939. After all, the S. T. A. is a quasi-judicial authority and no direction can be given to such a body.

† ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಸ್ವಾಮಿ, ಮಾನ್ಯ ಸದಸ್ಯರಾದ ಅಣ್ಣಾರಾಯರು ಮಾತನಾಡುತ್ತ ಈ ಮನೋದಯನ್ನು ಅಂಗೀಕಾರ ಮಾಡುವುದಕ್ಕೆ ಈ ಸಭೆಗೆ ಅಧಿಕಾರವಿದೆಯೇ, ಇದನ್ನು ಪಾಸ್ ಮಾಡುವುದಕ್ಕೆ ಪಾರ್ಲಿಮೆಂಟಿಗೆ ಮಾತ್ರ ಅಧಿಕಾರವಿದೆ ಎನ್ನುವ ವಿಷಯವನ್ನು ಹೇಳಿದ್ದಾರೆ. ನಾನು ಆ ಬಗ್ಗೆ ಮಾತನಾಡುವುದಿಲ್ಲ. ಆ ವಿಷಯದಲ್ಲಿ ಮಾತನಾಡದೆ ಇರುವಾಗ ರಾಜ್ಯ ಸರ್ಕಾರದವರು ಈ ತಿದ್ದುಪಡಿ ವಿಧೇಯಕವನ್ನು ತಂದಿರುವುದನ್ನು ನಾನು ಹೃತ್ಪೂರ್ವಕವಾಗಿ ಸ್ವಾಗತಿಸುತ್ತೇನೆ. ಕಾರಣವಿಷ್ಟೆ; ತುಮಕೂರು ಆರ್. ಟಿ. ಎ., ಅಂಧ್ರ, ಮದ್ರಾಸ್ ಹೀಗೆ ನಾಲ್ಕು ದಿಕ್ಕಿನಲ್ಲಿ ನಾಲ್ಕು ಪಾರ್ಟಿಗಳನ್ನು ಕೊಡುತ್ತಾರೆ. ಅವರು ಎಷ್ಟು ಮೈಲಿ ಪಾರ್ಟಿ ಕೊಟ್ಟಿದ್ದಾರೆಂದು ಸ್ಟೇಟ್ ಟ್ರಾನ್ಸ್‌ಪೋರ್ಟ್ ಅಥಾರಿಟಿಯವರಿಗೆ ಗೊತ್ತಿರುವುದಿಲ್ಲ. ರೆಸಿಪ್ರೋಕಲ್ ಆರೇಂಜ್

ಮೆಂಟ್ ಪ್ರಕಾರ ಎರಡು ರಾಜ್ಯಗಳಿಗೂ ಸಂಬಂಧಪಟ್ಟ ಹಾಗೆ ಒಂದು ಒಡಂಬಡಿಕೆ ಆಗಿರುತ್ತದೆ. ಅದರಿಂದ ಸರ್ಕಾರದವರು ಈಗ ತಂದಿರುವ ತಿದ್ದುಪಡಿಯು ಸೂಕ್ತವಾಗಿದೆ. ಇದನ್ನು ನಾನು ಒಪ್ಪಿಕೊಳ್ಳುತ್ತೇನೆ. ರಾಜ್ಯಾಂಗಕ್ಕೆ ವಿರೋಧವಾಗಿ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ಸರ್ಕಾರದವರು ತಂದಿರುವುದಾದರೆ ಅದರ ಬಗ್ಗೆ ಸಂಬಂಧಪಟ್ಟವರು ಹೈಕೋರ್ಟಿಗೆ ಹೋಗುತ್ತಾರೆ, ಅಲ್ಲ ಅದರ ಬಗ್ಗೆ ತೀರ್ಮಾನವಾಗುತ್ತದೆ. ತುಮಕೂರು ಆರ್. ಟಿ. ಎ. ಇವತ್ತು ತಿರುಪತಿಗೆ ಎರಡು ಬಸ್‌ಗಳಿಗೆ ಸರ್ವಿಟ್ ಕೊಟ್ಟಿದ್ದಾರೆ. ಮೇಜರ್ ಡಿವೈನ್ಸ್ ತನ್ನ ಜಿಲ್ಲೆಯಲ್ಲಿದ್ದರೆ ಅವರು ಸರ್ವಿಟ್ ಕೊಡಬಹುದು ಎಂದಿದೆ. ಕೋರಾರ ಜಿಲ್ಲೆ ಆರ್. ಟಿ. ಎ. ಸರ್ವಿಟ್ ಕೊಡಬೇಕಾಗಿಲ್ಲ. ಅವರು ನಾಮಕಾ ವಾಸ್ತು ಕೌಂಟರ್‌ಸೈನ್ ಮಾಡುತ್ತಾರೆ. ತಿರುಪತಿಗೆ ಹೋಗಬೇಕಾದರೆ ಆಂಧ್ರ ಪ್ರದೇಶದ ಟ್ರಾನ್ಸ್ ಪೋರ್ಟ್ ಅಥಾರಿಟಿ ಕೌಂಟರ್‌ಸೈನ್ ಮಾಡಬೇಕಾಗುತ್ತದೆ. ಅವರು ಕೌಂಟರ್‌ಸೈನ್ ಮಾಡುವ ವರೆಗೂ ಆಪರೇಟರು ಆಂಧ್ರ ಪ್ರದೇಶದೊಳಕ್ಕೆ ಹೋಗುವ ಹಾಗೆ ಇಲ್ಲ. ಅದಕ್ಕೋಸ್ಕರ ಸರ್ಕಾರದವರು ತಮಗೆ ಬೇಕಾದವರಿಗೆ ಕೊಡುತ್ತಾರೆ, ಬೇಡವಾದವರಿಗೆ ಬಿಡುತ್ತಾರೆ ಎನ್ನುವುದು ಬೇರೆ ಸಮಾಚಾರ. ಎರಡು ರಾಜ್ಯಗಳಿಗೂ ಸಂಬಂಧಪಟ್ಟ ಹಾಗೆ ಎಷ್ಟು ಮೈಲಿ ದೂರಕ್ಕೆ ಸರ್ವಿಟ್ ಕೊಡಲು ಒಪ್ಪಂದವಾಗಿದೆಯೋ ಅದು 19 ಜನ ಆರ್. ಟಿ. ಎ. ಗಳಲ್ಲಿ ಯಾರಿಗೂ ಗೊತ್ತಿರುವುದಿಲ್ಲ. ಇಂಥ ಸಂದರ್ಭಗಳಲ್ಲಿ ಎಷ್ಟು ದೂರ ಸರ್ವಿಟ್ ಕೊಡಬಹುದು ಎಂದು ಆರ್. ಟಿ. ಎ. ನಿರ್ಧಾರವು ಮಾಡಬಹುದು. ಅದಲ್ಲ ಎಸ್. ಟಿ. ಎ. ಗೆ ಹೋಗಬೇಕಾಗುತ್ತದೆ. ಎಸ್. ಟಿ. ಎ. ಗೆ ಎಲ್ಲ ಆರ್. ಟಿ. ಎ. ಗಳ ಮೇಲೂ ಅಧಿಕಾರವಿರುತ್ತದೆ. ಯಾವುದಾದರೂ ಆರ್. ಟಿ. ಎ. ಆಕ್ಷೇಪಣೆಯನ್ನು ಮಾಡಿದರೆ ಅದರ ಮೇಲೆ ಅಡ್‌ಜೆಕ್ಟಿನ್ ಕರೆಯುವುದಕ್ಕೆ ಅವಕಾಶವಿದೆ.

ಈ ಮನೂವೆ ಕಾನೂನು ಪ್ರಕಾರವಾಗಿ ಇದೆಯೇ ಇಲ್ಲವೇ ಎನ್ನುವುದನ್ನು ಕಾನೂನು ಮಿತ್ರರು ವಿಶದವಾಗಿ ನೋಡಬೇಕಾದ್ದು ಅವರ ಕರ್ತವ್ಯ. ಕೇಂದ್ರ ಸರ್ಕಾರದ ಮೋಟಾರು ವೆಹಿಕಲ್ ಆಕ್ಟ್‌ನ್ನು ನಾವು ಆಳವಡಿಸಿಕೊಂಡಿರುವಾಗ ಅವರು ಮಾಡಿರುವ ಕಾನೂನಿಗೆ ನಾವು ತಿದ್ದುಪಡಿಯನ್ನು ಚೆಂಪೊರರಿ ಪೀಠಿಯಡ್ಡಿಗೆ ತಂದಿದ್ದೇವೆ ಎಂದು ಸ್ಟೇಟ್‌ಮೆಂಟ್ ಆಫ್ ಅಡ್‌ಜೆಕ್ಟಿನ್ ಅಂಡ್ ರೀಸನ್ಸ್ ನಲ್ಲಿ ಹೇಳಿದ್ದಾರೆ. ಹಾಗೆ ಹೇಳುವಾಗ ಕೇಂದ್ರ ಸರ್ಕಾರದವರು ನಮಗೆ ಕಾನೂನು ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೆ ಅಧಿಕಾರವನ್ನು ಕೊಟ್ಟಿದ್ದಾರೆಯೇ ಎನ್ನುವುದು ಗೊತ್ತಾಗುವುದಿಲ್ಲ. ರಾಜ್ಯಾಂಗದಲ್ಲಿರುವ ಎಲ್ಲ ಅಂಶಗಳನ್ನೂ ಒಂದು ಸರ್ಕಾರಿ ಆಡರ್ ಮೂಲಕ ಬದಲಾಯಿಸಬಹುದು ಎಂದು ಹೇಳುವುದಾದರೆ ರಾಜ್ಯಾಂಗಕ್ಕೆ ವಿನೂ ಗೌರವ ಇರುವುದಿಲ್ಲ. ಕೇಂದ್ರ ಕಾನೂನುಗಳಿಗೆ ನಾವು ತಿದ್ದುಪಡಿಯನ್ನು ತರಬೇಕಾದರೆ ಅದು ಏಳನೆ ಪೆಡ್ಲೊಲನಲ್ಲದೆಯೇ, ಅದು ಕನ್‌ಕರೆಟ್ ಲಿಸ್ಟಿನಲ್ಲದೆಯೇ, ಅವುಗಳನ್ನು ಬದಲಾಯಿಸುವ ಹಕ್ಕು ನಮಗೆ ಇದೆಯೇ ಇಲ್ಲವೇ ಎಂದು ನೋಡಬೇಕು. ಇಂಥದನ್ನು ಒಂದು ಸರ್ಕ್ಯುಲರ್ ಮೂಲಕ ಕೇಂದ್ರ ಸರ್ಕಾರದವರು ತಿದ್ದುಪಡಿ ಮಾಡಲು ಅಧಿಕಾರವನ್ನು ಕೊಟ್ಟಿದ್ದಾರೆಂದರೆ, ಇದನ್ನು ಸಭೆಯ ಮುಂದೆ ಒದ್ದಿದರೆ ನಮಗೆ ಅರ್ಥವಾಗುತ್ತಿತ್ತು. ಏನು ಬೇಕಾದರೂ ರಾಜ್ಯ ಸರ್ಕಾರವೇ ಮಾಡಿಕೊಳ್ಳಬಹುದು ಎಂದು ಕೇಂದ್ರ ಸರ್ಕಾರದವರು ಅಭಿಪ್ರಾಯ ಕೇಂದ್ರದ ಮಂತ್ರಿಗಳು ಒಂದು ಕಾಗದವನ್ನು ಬರೆದರೆ, ಆ ಪ್ರಕಾರ ಕಾನೂನು ಮಾಡುವುದಾದರೆ ರಾಜ್ಯಾಂಗಕ್ಕೆ ಬೆರೆ ಇರುವುದಿಲ್ಲ; ಆಗ ಪಾರ್ಲಿಮೆಂಟ್ ಇರಬೇಕಾಗುವುದಿಲ್ಲ. ಅದರಿಂದ ಸ್ವಲ್ಪ ಕೂಲಂಕಷವಾಗಿ ಕಾನೂನು ಭಾಗವನ್ನು ಚೆನ್ನಾಗಿ ಯೋಚನೆ ಮಾಡಿ ಎಂದು ಹೇಳಿ ಸ್ಟೇಟ್ ಟ್ರಾನ್ಸ್ ಪೋರ್ಟ್ ಅಥಾರಿಟಿಗೆ ಸರ್ವಿಟ್ ಕೊಡಲು ಅವಕಾಶ ಕಲ್ಪಿಸುವಂಥ ತಿದ್ದುಪಡಿಯನ್ನು ತಂದಿರುವುದಕ್ಕಾಗಿ ಅದನ್ನು ನಾನು ಸ್ವಾಗತಿಸುತ್ತೇನೆ. ಇದನ್ನು ಸ್ವಾಗತ ಮಾಡುವಾಗ ಇದು ಹಿಂದಿನಿಂದ, ಎಂದರೆ, 'ರಿಟ್ರಾಕ್ಟಿವ್' ಕೊಟ್ಟ ಜಾರಿಗೆ ಬರಬೇಕು ಎಂದು ಹೇಳುತ್ತೇನೆ. ಸರ್ಕಾರದವರು ಎಷ್ಟೋ ಕಾನೂನುಗಳನ್ನು ತಂದು ಈ ರೀತಿ ತಿದ್ದುಪಡಿ ಮಾಡಿದ್ದಾರೆ. ಈ ತರಹ ಕಾನೂನು ಪಾರ್ಲಿಮೆಂಟಿನಲ್ಲಿ ಆಗಬೇಕಾದರೆ ಬಹಳ ತಡವಾಗುತ್ತದೆ ಎಂದು ತಿಳಿದುಕೊಂಡು ಅನೇಕ ಜನ ಆರ್. ಟಿ. ಎ. ಗಳು ಬೇಕಾದ ಹಾಗೆ ಮಾಡಿದ್ದಾರೆ. ಅದರಿಂದ ಈ ಕಾನೂನು ಸಿಂಧುವಾದ ಮೇಲೆ ಜಾರಿಗೆ ತರಬೇಕು ಎನ್ನುವುದನ್ನು ಒಂದು ವರ್ಷ ಹಿಂದಿನಿಂದ ಜಾರಿಗೆ ಬಂದ ಹಾಗೆ ತಿದ್ದುಪಡಿ ಮಾಡಿ ತಂದು ಬಿಡಿ. ಈ ಬಗ್ಗೆ ಸರ್ಕಾರದವರು ಯೋಚನೆ ಮಾಡಬೇಕು. ನನಗೆ ತಿಳಿದ ಮಟ್ಟಿಗೆ ಬೆಂಗಳೂರು, ತುಮಕೂರು, ಕೋರಾರ, ಚಿತ್ರದುರ್ಗ, ಶಿವಮೊಗ್ಗ ಜಿಲ್ಲೆಗಳಲ್ಲಿ ಬಹಳ ಅನ್ಯಾಯಗಳಾಗಿವೆ. ಶಿವಮೊಗ್ಗದಿಂದ ಶ್ರೀಶೈಲಕ್ಕೆ ಒಂದು ಬಸ್ಸಿಗೆ ಸರ್ವಿಟ್ ಕೊಟ್ಟಿದ್ದಾರೆ. ಪ್ರಾರಂಭದಲ್ಲಿ ಬಸ್ಸು ಆರ್. ಟಿ. ಎ. ಸರ್ವಿಟ್ ಕೊಟ್ಟರೆ ಅದನ್ನು ಬೇರೆ ಯಾರೂ ಪ್ರಶ್ನಿಸುವ ಹಾಗೆ ಇಲ್ಲ. ಅವರಲ್ಲ ಅದಕ್ಕೆ ಕೌಂಟರ್‌ಸೈನ್ ಮಾಡಬೇಕು. ಚಿತ್ರದುರ್ಗ ಜಿಲ್ಲೆಯಲ್ಲಿ ದುರುದ್ದೇಶದಿಂದ ಮಾಡಿರುವುದು ಗಮನಕ್ಕೆ ಬಂದಿದೆ, ರೆಟ್ರಾಕ್ಟಿವ್ ಎಫೆಕ್ಟ್ ಕೊಟ್ಟರೆ ಪ್ರಯತ್ನದಿಂದ ರಾಜ್ಯ ಮಾಡಿ ಕೊಳ್ಳುವವರಿಗೆ ಅನುಕೂಲವಾಗುತ್ತದೆ. ಇದನ್ನು ಯೋಚನೆ ಮಾಡಬೇಕು. ಈ ಎಫೆಕ್ಟಿವ್‌ನನ್ನು

(ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ)

ಒಪ್ಪುತ್ತೇನೆ. ಆದರೆ ಸರಿಯಾಗಿದ್ದಿವೆಂದು ಹೊತೆದು ಹಾಕಿದರೆ ನಾನು ಜವಾಬ್ದಾರನ್ನೂ, ಇದರ ಜವಾಬ್ದಾರಿ ಹೊತ್ತಿರುವ ಮಂತ್ರಿಗಳಿಗೆ ಕೆಟ್ಟ ಹೆಸರು ಬರುತ್ತದೆ ಎಂದು ಇಷ್ಟು ಹೇಳಿ ನನ್ನ ಮಾತನ್ನು ಮುಗಿಸುತ್ತೇನೆ.

5-30 P.M.

†Sri D. DEVARAJ URS.—Sir, with regard to the legal aspect of introducing this Bill which according to Sri Anna Rao Ganamukhi is repugnant to article 254 of the Constitution, I wish to submit to this House that article 254 also makes provision under sub-clause (2) of that article to overcome the difficulties envisaged by my friend Sri Anna Rao. When he pointed out this supposed legal difficulty, I wish he had read the article completely. Even without reading the article he started raising this doubt and legal difficulty. I am afraid he did not read the second portion of the article and so he started the argument.

Sri ANNARAO GANAMUKHI.—I have read it.

Sri D. DEVARAJ URS.—Then perhaps you have purposely omitted it. It clearly says that wherever repugnancy is involved in any State legislation, that can be overcome by keeping such Bill for the assent of the President. If the President gives his assent to it, then that repugnancy can be easily overcome. After this Bill is passed by both the Houses of Legislature, if the President gives his assent before it becomes an Act, then the repugnancy will be removed.

Sri ANNARAO GANAMUKHI.—Can it be valid for Inter-state purposes?

Sri D. DEVARAJ URS.—For all purpose it would be valid. So I need not deal with the constitutional aspect raised by my friend Sri Anna Rao and his friends.

The second point raised by him was that Government are taking the authority. As stated in the Statement of Objects and Reasons this amendment is proposed to a Bill and it is before the Rajya Sabha along with so many other amendments to the Motor Vehicles Act for over a year. There also the same amendment to section 45 is there it reads thus :

“ Notwithstanding anything contained in sub-section (1) the State Government may, by notification in the official Gazette, direct that in the case of any vehicle or vehicles proposed to be used in two or more regions lying in different States, the application under that subsection shall be made to the State Transport Authority of the region in which the applicant resides or has his principal place of business.”

We have copied it verbatim and we have done nothing more than that. We could have waited till that Bill was enacted in Parliament, but the fear now is that this Bill may not come up before the present session of Parliament and it may go even beyond that. With regard to urgency

my friend Sri Muckannappa has ably supported the need for this amendment and I do not wish to add anything more except to say that the House will agree that this is very imminent because if we allow more time perhaps more confusion and havoc is likely to be caused by the several R.T.A.S. They have gone on issuing permits without considering whether there are Inter-state agreements or not.

Sri G. V. GOWDA.—They are empowered under the Act to issue permits.

Sri D. DEVARAJ URS.—Whatever powers may be vested in the R.T.A., when they exercise their powers, we feel that they should consult the neighbouring R.T.A. and also the S.T.A. without which there will be confusion and it will be difficult for the Government to adjust and give priority to the permits. The number of Permits issued is so huge that it has become difficult for the State Government to make the neighbouring Governments also agree to countersign these permits issued by the R.T.A.s. These are the several practical difficulties. That is why having looked into the constitutional aspect we have been properly advised that there is no constitutional bar or objection to bring this amendment and that is why we have brought this. After this Bill is passed here we are going to take the assent of the President for this Bill. Afterwards only this will become law. So I think the objection is not valid and I commend the Bill for the acceptance of this House.

Sri K. S. SURYANARAYANA RAO.—I quite concede the argument of the Hon'ble Minister about repugnancy, but the competence of the State Legislature cannot be beyond the jurisdiction of the territories of the State. I would like to know how that can be overcome? That can be overcome only by the Central Government. Parliament cannot empower the State Legislature to pass laws not only for Mysore but also for Andhra, Madras and Kerala.

Sri D. DEVARAJ URS.—If the hon. Member yields, I will clarify that point. We are not passing any legislation with respect to any other State. As it is, the Regional Transport Authority under the Act, has powers to give permit from its own region for a bus coming from all regions even outside the State. That point must be properly understood by my hon. friends. This has been made clear by the judgement of the High Court in Writ Petition No. 432. So, what power is being exercised by the R. T. As. is sought to be taken away by a notification of the State Government and given to the S. T. A. with respect to the permits to be issued either between two regions or more than two regions or even beyond the State. That is all what the Bill seeks to do.

Sri C. J. MUCKANNAPPA.—Even now R. T. As. have issued permits. What happens to those permits after passing this Bill?

Sri D. DEVARAJ URS.—After this amendment is accepted and it becomes law, if Government thinks it fit to have a notification, they will, by notification, transfer this power to the S.T.A. instead of the R. T. A.; then the S. T. A. will exercise this authority

Mr. SPEAKER.—It is very clear.

The question is :

“ That the Motor Vehicles (Mysore Amendment) Bill, 1966, be taken into consideration.”

The motion was adopted.

CLAUSES

Mr. SPEAKER.—The question is :

“ That clauses 2 and 3 stand part of the Bill.”

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Mr. SPEAKER.—The question is :

“ That Clause 1, the Title and the Preamble, stand part of the Bill.”

The motion was adopted.

Clause 1, the Title and the Preamble were added to the Bill.

Motion to pass.

Sri D. DEVARAJ URS.—Sir, I beg to move :

“ That the Motor Vehicles (Mysore Amendment) Bill, 1966, be passed.”

Mr. SPEAKER.—The question is :

“ That the Motor Vehicles (Mysore Amendment) Bill, 1966, be passed.”

The motion was adopted.

Mr. SPEAKER.—There was some question of Constitutional importance raised by Sri K. H. Ranganath. Is any member supporting it? Anybody can support it. Sri Gopal Gowda wanted to support it. Let him support it. I have to give a ruling.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ.—ನನ್ನ ಹತ್ತಿರ ಪುಸ್ತಕವೇ ಇಲ್ಲ.

Mr. SPEAKER.—Who else wanted to raise it? Sri Suryanarayana Rao or anybody can support it.

Sri K. LAKKAPPA.—Some more time is wanted to study it.

Sri K. S. SURYANARAYANA RAO.—After strenuous work of three hours, it is rather difficult to apply our mind.

Mr. SPEAKER.—If it is a question of strenuous work, I am not accepting. If the Members want more time, I can accept, because the very best should be contributed to the debate.

Sri C. J. MUCKANNAPPA.—The second part of the statement will help us.

Mr. SPEAKER.—I suppose I can adjourn the House. The House will now adjourn and re-assemble at 8-30 A.M. tomorrow.

The House adjourned at Forty-Five Minutes past Five of the Clock, to meet again at Thirty Minutes past Eight of the Clock on Saturday, the 19th November 1966.
